



Docket No.: 11220/146

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/ZWWIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Danenberg, Kathleen D.

Art Unit: 1637

Serial No.: 09/998,333

Examiner: Young J. Kim

Filing Date: December 3, 2001

Customer No.: 23838

For: METHOD OF DETERMINING A
CHEMOTHERAPEUTIC REGIMEN BY
ASSAYING GENE EXPRESSION IN
PRIMARY TUMORS**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL

SIR:

The Applicant hereby appeals the final rejection in the final Office Action of the Examiner dated February 18, 2005 to the Board of Patent Appeals and Interferences. A Request for a Three-Month Extension of Time has been petitioned in the Amendment filed concurrently herewith.

The Commissioner is hereby authorized to charge payment of the fee of \$500.00 and any additional fees and/or patent application processing fees in connection with this appeal required under 37 C.F.R. § 1.16 and 1.17 or credit any overpayment to Deposit Account No. 11-0600. A copy of this sheet is enclosed for that purpose.

Adjustment date: 11/08/2005 SDIRETA1
10721/2005 ZADAMS 00000008 110600 09998333
01 FC:1253 1020.00 CR

Adjustment Date: 11/08/2005 SDIRETA1
08719/2005 SDENB081 00000021 110600 09998333
01 FC:1401 500.00 CR

Respectfully submitted,

KENYON & KENYON

Date

August 18, 2005

88/19/2005 SDENB081 00000021 09998333
01 FC:1401 500.00 DA
Teresa A. Lavenue
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11/08/2005 SDIRETA1 00000005 110600 09998333
01 FC:2401 250.00 DA
02 FC:2253 510.00 DA



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Mail Stop 16
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

SIR:

Applicant for the above-identified application is entitled to Small Entity status. Since the Notice of Appeal and a Request for a Three-Month Extension of Time was petitioned in the Amendment Under 37 C.F.R. §1.116 filed on August 18, 2005 were inadvertently paid as a large entity, it is respectfully requested that the overpayment totaling the amount of \$760.00 (\$250.00 for the Notice of Appeal and \$510.00 for the Three-Month Extension of Time) be credited to the Deposit Account of Kenyon & Kenyon, Deposit Account No. 11-0600. A copy of this request for refund is enclosed for that purpose.

Respectfully submitted,

KENYON & KENYON

Date

9/22/05

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